

Exhibit 40

1 IN THE UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF NEW JERSEY
3 CAMDEN VICINAGE

4 *****

5 IN RE: VALSARTAN, LOSARTAN, MDL No. 2875
6 AND IRBESARTAN PRODUCTS

7 LIABILITY LITIGATION Civil No.
8 19-2875
9 ***** (RBK/JS)

10 THIS DOCUMENT APPLIES TO ALL HON ROBERT B.
11 CASES KUGLER

12 *****

13 - CONFIDENTIAL INFORMATION -
14 SUBJECT TO PROTECTIVE ORDER

15 Continued Remote Videotaped via
16 Zoom Deposition of MIN LI, Ph.D., commencing at
17 7:08 a.m. China Standard Time, on the 22nd of
18 April, 2021, before Maureen O'Connor Pollard,
19 Registered Diplomat Reporter, Realtime
20 Systems Administrator, Certified Shorthand
21 Reporter.

22 - - -

23 GOLKOW LITIGATION SERVICES
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 deps@golkow.com

1 Calls for speculation.

2 A. You can ask him, okay?

3 BY MR. SLATER:

4 Q. Did you ever speak to the
5 chairman of your company, Mr. Chen, regarding
6 any of your interactions with Charles Wang
7 and what he was telling you?

8 A. No.

9 Q. Did you ever speak to Baohua
10 Chen at all about the nitrosamine
11 contamination of valsartan sold by ZHP? Did
12 you ever discuss that with him?

13 A. We discussed the matter, you
14 know, in meetings.

15 Q. Meetings in person?

16 A. No, not in person.

17 Q. How were those meetings held?

18 A. I mean, like, you know, when
19 this event basically occurred, you know, you
20 know, it become the top priority of the
21 company.

22 So as the CEO of the company,
23 you know, you know, he organized, you know,
24 quite a few meetings, basically just to

1 ensure, you know, the investigation being
2 conducted, you know, as soon as possible,
3 and, you know, basically just ask us, you
4 know, what kind of resources that we need,
5 basically.

6 Q. Were those meetings that you
7 talked about held in person? Well, rephrase.

8 You said the meetings were not
9 held in person. So how were they held?

10 A. You know, with a group, like,
11 you know, with a group of peoples.

12 Q. Was it over the telephone? Was
13 it by videoconference? How did you
14 communicate with one another in those
15 meetings?

16 A. Sir, as I said, there are
17 different meetings, okay? Some meetings, I
18 don't -- you know, I don't remember, you
19 know, you know, all the details. But some
20 meetings, you know, all the participants, you
21 know, were attending in person, some meetings
22 probably, you know, involving some
23 telecommunications.

24 Q. So you did have meetings in

1 person with Mr. Chen about the nitrosamine
2 contamination of the valsartan?

3 A. Well, in person, okay, I
4 thought you mean like, like, just, you know,
5 like one-on-one meeting, you know. But,
6 yeah, like a -- when -- a group of meeting,
7 yeah, both Mr. Chen and I as well as other
8 members of the management, yeah. Yeah, at
9 least, you know, yeah, we were attending some
10 of the meeting, you know, when both Mr. Chen
11 and myself were physically, you know,
12 attending the meetings.

13 Q. So you said meetings took place
14 in person, right?

15 A. Some meeting, yeah, some
16 meeting, yeah, were attended in person, yes.

17 Q. Were some of the meetings by
18 videoconference?

19 A. Yeah, uh-huh. Not
20 videoconference. I don't think you -- you
21 know, you -- we don't have videoconference,
22 usually just teleconference.

23 Q. You said usually
24 teleconference. Did at least one of the

1 meetings involving Mr. Chen regarding the
2 nitrosamine contamination of the valsartan
3 take place over videoconference?

4 A. I don't remember that ever
5 happened.

6 MR. GALLAGHER: Adam, we've --
7 you can finish -- we've been going
8 about an hour and 20 minutes. When
9 you get to a natural --

10 BY MR. SLATER:

11 Q. Did any of the meetings take
12 place by telephone?

13 A. As I said, some of the meeting
14 may, you know, may be held, you know, with
15 some attendants, okay, joining by
16 teleconference.

17 Q. Teleconference means by
18 telephone?

19 A. Yeah, by telephone, yes.

20 Q. Did you attend every meeting
21 that Mr. Chen organized and attended
22 regarding the nitrosamine contamination of
23 ZHP's valsartan?

24 A. I don't think so, like did I

1 attended every meeting, because there's a
2 different, you know, you know, you know,
3 aspects dealing with this issue, right.

4 And, for example, the issue
5 regarding like recall, you know, because I --
6 you know, as I said, I'm a technical person,
7 those meetings, you know, I never attended,
8 you know, those kind of meetings because it's
9 outside of my scope, outside of my
10 responsibility.

11 Q. You said --

12 A. Yeah.

13 Q. You said that Mr. Chen
14 organized meetings because he was the CEO.
15 So you don't know how many meetings took
16 place or who attended all those meetings?

17 MR. GALLAGHER: Objection.

18 Calls for speculation.

19 Go ahead.

20 A. As I said, you know, I -- those
21 information I'm not, you know, within my
22 responsibility, okay.

23 BY MR. SLATER:

24 Q. Well, I'm not asking for your

1 responsibility. I'm asking if you know how
2 many meetings took place and who attended
3 each of them.

4 A. I don't --

5 MR. GALLAGHER: Objection.
6 Calls for speculation.

7 A. I don't remember.

8 BY MR. SLATER:

9 Q. How many meetings did you
10 attend with Mr. Chen regarding the
11 nitrosamine contamination of ZHP's valsartan?

12 A. Again, I don't have accurate
13 numbers.

14 Q. Was it 10 meetings, was it 20
15 meetings? Can you estimate, please?

16 A. I just cannot.

17 Q. You have no idea how many
18 meetings you attended with Mr. Chen?

19 A. I don't keep, you know, you
20 know, you know, those things.

21 Q. I'm just asking if you can
22 recall how many meetings. You said this was
23 top priority of the company at the time. I
24 would think you could recall roughly how many

1 meetings you attended with the chairman of
2 the company about this crisis.

3 MR. GALLAGHER: Objection.

4 Argumentative, and asked and answered.

5 BY MR. SLATER:

6 Q. Can you recall?

7 A. No, I cannot recall the
8 accurate number.

9 Q. Can you give me an estimate?

10 MR. GALLAGHER: Objection.

11 Asked and answered.

12 A. As I said, you know, I don't
13 want to provide -- you know, you know,
14 because I don't have this memory, so I don't
15 want to, you know, provide any specific
16 number, okay?

17 BY MR. SLATER:

18 Q. Well, can you tell me your best
19 estimate, please, or are you unwilling to do
20 so?

21 MR. GALLAGHER: Objection.

22 Argumentative, and asked and answered.

23 A. So if you want to say, you
24 know, the best estimate by now, you know, you

1 know, at this time I would say probably, you
2 know, maybe single digit or maybe up single
3 digit.

4 BY MR. SLATER:

5 Q. What does that mean, "single
6 digit or maybe up single digit"?

7 A. Like, you know, anywhere like
8 maybe between five or nine or something like
9 that.

10 Q. Do you recall what was
11 discussed in those meetings?

12 A. As I said, I don't, you know,
13 recall all the exact, you know, you know, you
14 know, contents. Basically, you know, you
15 know, the instruction was, you know, we need
16 to, you know, put all the efforts -- you
17 know, the company will support utilizing all
18 the resources, you know, to push this forward
19 as soon as possible.

20 Q. Using all the resources -- I'm
21 sorry.

22 When you say using all the
23 resources, did that include making sure that
24 there wouldn't be any "red tape" like you

1 said before if you needed to hire an expert
2 consultant to advise the company, for
3 example, on toxicology?

4 MR. GALLAGHER: Objection.

5 Lack of foundation.

6 A. This topic was not discussed,
7 okay. So in terms of the resources, from my
8 perspective, okay, it was, you know, you
9 know, we need to -- we need to purchase
10 additional, you know, high-end instrument,
11 okay, particularly like a mass spectrometry,
12 a GC-MS, GC-MS/MS, you know, stuff like that.
13 So he indicated he will give the full
14 support, like, you know, as long as, you
15 know, yeah, like how many, whatever, you
16 know, whenever that I, you know, propose he
17 will, you know, approve the purchase of these
18 instrument.

19 BY MR. SLATER:

20 Q. Were notes or minutes taken of
21 these meetings with Mr. Chen?

22 A. I don't remember.

23 Q. Did you take notes of these
24 meetings?

1 A. No.

2 Q. Did you see anybody else taking
3 notes during these meetings?

4 A. I didn't pay attention to that.

5 Q. So you would go to meetings
6 with the chairman of the company about a
7 situation that was the top priority of the
8 company, and you wouldn't take any notes
9 during those meetings at all?

10 MR. GALLAGHER: Objection.
11 Argumentative.

12 And we're getting close to --
13 towards an hour and a half, if you get
14 close to a breaking point.

15 A. I didn't take note.

16 BY MR. SLATER:

17 Q. Is that your typical practice,
18 you go to important meetings and you take no
19 notes at all?

20 MR. GALLAGHER: Objection.
21 Vague, and argumentative.

22 A. Because those meetings, you
23 know, you know, from my perspective, as I
24 said, you know, it's very specific, okay.

1 Because for me, I just need to have the
2 funding to purchase these instrument, so, you
3 know, for these simple things I don't think
4 it's necessary, you know, for me to take
5 note. You know, he just, yes, you know, then
6 go ahead.

7 BY MR. SLATER:

8 Q. Are you saying that you had
9 five to nine meetings, which is your
10 estimate, and at every one you discussed
11 buying equipment to do testing, and that was
12 the whole meeting every time? You're not
13 saying that, are you?

14 A. No, I'm not saying that.

15 MR. GALLAGHER: Objection.

16 BY MR. SLATER:

17 Q. Do you remember what else was
18 discussed in those meetings with Mr. Chen,
19 the chairman of the company?

20 A. Look, you know, as I said, I
21 don't remember, you know, exactly, you know,
22 you know, all the other things, okay.

23 The most obvious things is, or
24 the most clear thing is that Mr. Chen was

1 fully support, okay, in terms of, you know,
2 allocating funding, you know, for the
3 instrument, you know, that I need.

4 The other meeting, it's most
5 likely he was asking, you know, for our
6 progress, for example, how the method
7 development was ongoing, you know, stuff like
8 that.

9 Q. Okay. Did Mr. Chen say any --
10 well, rephrase.

11 Did Mr. Chen ever tell you or
12 the people in your meetings -- rephrase.

13 During the meetings you
14 attended with Mr. Chen, did he take notes?
15 Did you ever see him taking notes?

16 A. No.

17 Q. Did anybody take notes in these
18 meetings that you ever observed?

19 A. I just pay attention mostly to
20 Mr. Chen when I spoke, you know, to him.

21 Q. When you were in these
22 meetings, did you ever notice anybody in the
23 meetings taking notes?

24 A. I don't re --

1 MR. GALLAGHER: Objection.

2 Go ahead.

3 A. I don't recall, okay?

4 BY MR. SLATER:

5 Q. So a roomful of people meeting
6 with the chairman of the company about a
7 situation that's the top priority of the
8 company multiple times, in all those meetings
9 you never took notes, Mr. Chen never took
10 notes, and you never saw anyone else take
11 notes.

12 That's your best recollection,
13 is that what you're testifying?

14 MR. GALLAGHER: Objection.

15 Argumentative, asked and answered,
16 vague, and compound.

17 A. That's not what exactly what I
18 told you. Okay. What I can tell you is
19 Mr. Chen, he didn't take notes, okay? And I
20 didn't take note. Who else, I don't
21 remember, okay?

22 BY MR. SLATER:

23 Q. Were there ever agendas
24 circulated for these meetings; for example,

1 by e-mail?

2 A. I don't know. I don't
3 remember.

4 Q. When these meetings were
5 scheduled, were e-mails sent out or any sort
6 of calendar sent out so everybody would know
7 the date and time and place of the meetings?

8 A. I don't remember. I mean, but
9 one thing is, you know, usually, okay, I can
10 tell you my -- you know, like for Mr. -- you
11 know, for meetings with Mr. Chen, usually,
12 you know, his, you know, secretary, you know,
13 would make phone calls.

14 And one of the reason probably
15 was he was quite busy, so we just -- you
16 know, a lot of times we just stand by. And
17 so once he had time, his secretary would
18 call, call us, you know, to go to meeting
19 rooms, you know, with him.

20 Q. Who was his secretary? What's
21 her name?

22 A. There is a --

23 Q. Who is Mr. Chen's secretary?

24 A. There are a group, you know, of

1 people, okay. I don't know exactly, you
2 know, who would be designated.

3 I think the best, you know,
4 answer, if you can, you know, maybe you can
5 also go through my counsel, you know, making
6 a formal request, they can provide it, you
7 know, from the staff of Mr. Chen. You know,
8 they probably can give you, you know, a much
9 more accurate, you know, because I don't want
10 to, you know, you know, guess.

11 Q. You know who works for
12 Mr. Chen. Tell us the names of the people
13 that work for him as his secretaries and
14 assistants.

15 MR. GALLAGHER: Objection.
16 Asked and answered.

17 And, Adam, we've been going
18 over an hour and a half now.

19 MR. SLATER: I'm in the middle
20 of a line of questioning. I don't
21 want to break this deposition now. I
22 don't think it would be appropriate.

23 MR. GALLAGHER: I'm not sure
24 where you're going, but okay.

1 A. His chief of staff, okay, is
2 Ms. Maggie Kong, as I mentioned the other
3 day.

4 BY MR. SLATER:

5 Q. Is she the person who would
6 call you to tell you meetings were being
7 scheduled?

8 A. Sometimes she called me;
9 sometimes, you know, her staff.

10 Q. Who are the staff members that
11 worked for her who would contact you?

12 A. You know, there would be
13 different, you know, people, okay, so I don't
14 remember, you know, you know, very
15 specifically for, you know, exactly, you
16 know, who under her, you know, called me,
17 okay?

18 Q. Can you remember anybody else's
19 name that contacted you, other than Maggie
20 Kong?

21 A. I mean, you know, this is for
22 so long, so I couldn't, you know, give you an
23 accurate. You know, I don't want to provide,
24 you know, you know, you know, anything, you

1 know, inaccurate, okay.

2 So only thing for sure, you
3 know, yeah, it would be somebody -- you know,
4 yeah, sometimes could be her; sometimes, you
5 know, could be someone, you know, you know,
6 of her staff.

7 Q. After these meetings would take
8 place, what would Mr. Chen do in terms of
9 taking action based on the meetings?

10 MR. GALLAGHER: Objection.
11 Lack of foundation, and calls for
12 speculation.

13 A. I don't pay attention to, you
14 know, other things, as I said, you know,
15 because my, you know, main function or my
16 main responsibility was to ensure the
17 technical investigation, you know, move
18 forward as soon as possible.

19 BY MR. SLATER:

20 Q. Did Mr. Chen give any
21 instructions at these meetings? Other than
22 you said he said, okay, you can buy that
23 machine that you were asking about, did he
24 ever give any other instructions?

1 A. As I said, I don't --

2 MR. GALLAGHER: Objection.

3 Lacks foundation.

4 A. As I said, you know, my only
5 focus, you know, was, you know, you know, for
6 the part of the responsibility, you know,
7 from my perspective.

8 BY MR. SLATER:

9 Q. Was Mr. Chen aware that at
10 least as of July 27, 2017 there were people
11 in your company that knew that NDMA was in
12 valsartan that your company was selling?

13 A. He had no idea.

14 MR. GALLAGHER: Objection. No
15 foundation.

16 BY MR. SLATER:

17 Q. How do you know he had no idea?

18 A. Because I told you, you know,
19 as I told you before already, okay.

20 Q. Did anybody who either sent or
21 received that e-mail ever tell Mr. Chen or
22 tell someone else who told Mr. Chen about
23 that?

24 MR. GALLAGHER: Objection.

1 BY MR. SLATER:

2 Q. Do you know?

3 MR. GALLAGHER: Objection.

4 Vague, and lacks foundation.

5 A. As I said, I -- you know, I
6 don't remember, or I don't know, you know,
7 who else on that e-mail list, you know, what
8 they did afterwards.

9 BY MR. SLATER:

10 Q. You don't know if Mr. Chen was
11 aware that your company knew about the NDMA
12 in the valsartan as of July 2017?

13 MR. GALLAGHER: Objection.

14 Vague, lacks foundation, and
15 mischaracterizes the documents and
16 testimony.

17 A. I'm pretty sure he -- you know,
18 he didn't know. Otherwise, you know, he
19 probably, you know, will talk to me.

20 BY MR. SLATER:

21 Q. Why do you say that?

22 A. Well, because, you know, if
23 it's really, you know, you know, you know,
24 you know, a big issue, you know, yeah,

1 he will. You know, particularly, you know,
2 this is, you know, right, related to an
3 investigation of an impurity, right?

4 Mr. Chen, you know, you know,
5 he is just at the very top. He wouldn't, you
6 know, have those details, information,
7 unless, you know, you know, you know, I
8 became aware, and then I, you know, will
9 report that to him, or somebody like from QA
10 or whatever.

11 But as I said, you know, if
12 people on that list, you know, they -- you
13 know, they feel or whatever, you know, this
14 is an issue, or they may not. As I said, you
15 know, they may -- they may not, you know, or
16 they think, you know, Mr. Lin's claim may be,
17 you know, way exaggerated.

18 Q. Well, his claim wasn't
19 exaggerated. He was 100 percent accurate
20 about valsartan containing NDMA, correct?

21 MR. GALLAGHER: Objection.

22 Wait, Min.

23 THE WITNESS: Sorry.

24 MR. GALLAGHER: Objection.

1 Vague, lacks foundation, calls for
2 speculation, and mischaracterizes
3 documents and testimony.

4 A. I think I answered this
5 question, you know, several times, okay.
6 BY MR. SLATER:

7 Q. Did you tell Mr. Chen that in
8 April of 2018 you told Mr. Lin, who worked
9 for you, not to complete or not to issue --
10 rephrase.

11 Did you tell Mr. Chen at any
12 time that in April 2018 you told Mr. --
13 rephrase.

14 Did you tell Mr. Chen at any
15 time that in April 2018 you directed that a
16 report that had been written regarding
17 concern about nitrosamines in irbesartan, and
18 you had instructed that that report not be
19 issued because of the fact that the impurity
20 was sensitive?

21 Did you tell Mr. Chen that?

22 A. No.

23 MR. GALLAGHER: Objection.

24 THE WITNESS: Sorry.

1 MR. GALLAGHER: Objection.

2 Outside the scope, vague, compound,
3 and lacks foundation.

4 A. The answer is no.

5 BY MR. SLATER:

6 Q. You said that Mr. Chen was
7 organizing these meetings. Based on your
8 understanding and what you observed, was he
9 very actively interested in what was
10 happening with the contamination of valsartan
11 with nitrosamines?

12 A. As I've said, that he is on top
13 of the progress, okay? He didn't know, you
14 know, all those technical details. It's not
15 his job.

16 I just want to make sure --
17 yeah.

18 Q. I'm sorry.

19 How do you know he didn't know
20 the technical details?

21 MR. GALLAGHER: Objection.

22 Vague, and calls for speculation.

23 A. He is the CEO of the company.

24 So if you talk to head -- like a CEO of

1 Novartis, you know, he would -- would that
2 person know the technical details of NDMA?

3 BY MR. SLATER:

4 Q. I don't know if -- I don't
5 know, if it turned out that NDMA was
6 contaminating one of their drug substances
7 and that substance -- and the NDMA was
8 carcinogenic, yeah, I would think the
9 Novartis CEO would want to know everything
10 about it, if you're asking me.

11 MR. GALLAGHER: Objection.

12 Wait. Wait, Min.

13 Objection. Vague,
14 hypothetical, calls for speculation.

15 BY MR. SLATER:

16 Q. Do you know that --

17 MR. GALLAGHER: Just for the
18 record, we've been going for an hour and
19 40 minutes now, and I'm sure the court
20 reporter would love a break, but --

21 BY MR. SLATER:

22 Q. Do you know that Mr. Chen --

23 MR. GALLAGHER: -- your
24 deposition.

1 BY MR. SLATER:

2 Q. Do you know that Mr. Chen has a
3 master's in chemical engineering?

4 A. That I --

5 MR. GALLAGHER: Objection.

6 A. Sorry.

7 BY MR. SLATER:

8 Q. Do you know that Mr. Chen has a
9 background in chemistry or chemical
10 engineering? Are you aware of that?

11 MR. GALLAGHER: Objection.

12 Outside the scope.

13 A. I know he at least had a
14 college degree, okay, but everything else I
15 really didn't pay attention.

16 MR. SLATER: You can take a
17 break now. Go off the record.

18 THE VIDEOGRAPHER: The time
19 right now is 8:47 a.m. We're now off
20 the record.

21 (Whereupon, a recess was taken)

22 THE VIDEOGRAPHER: The time
23 right now is 9:05 a.m. We're back on
24 the record.

1 BY MR. SLATER:

2 Q. Do you know -- well, wait a
3 second.

4 Do you know whether any record
5 was made of Mr. Chen's interactions with
6 other people in the company about the
7 valsartan contamination?

8 A. I have no idea.

9 MR. GALLAGHER: Objection.
10 Calls for speculation, and
11 foundation -- lack of foundation.

12 BY MR. SLATER:

13 Q. Can you recall, other than
14 discussing the equipment that you needed,
15 anything else that you told Mr. Chen
16 connected to the valsartan contamination with
17 nitrosamines?

18 A. I'm sorry, say that again?

19 Q. Sure.

20 Do you remember anything you
21 told Mr. Chen regarding the nitrosamine
22 contamination of valsartan?

23 Earlier you told us you
24 discussed some equipment you needed.

1 Anything else?

2 A. As far as I can remember, you
3 know, those are the items that I -- was
4 the -- you know, was the main topic.
5 Everything else I really, you know, do not
6 recall.

7 But instrument, you know, was
8 really an urgent needs because we need to,
9 you know, have those instruments to be in
10 place.

11 Q. What instrument --

12 A. Sorry --

13 Q. What instrument or instruments
14 did you discuss the need for?

15 A. GC-MS, and also GC-MS/MS in
16 particular, at least initially. And then
17 later on there's also -- I think, you know,
18 we discussed like some LC-MS equipment.

19 Q. Didn't you already have a GC-MS
20 machine?

21 A. That --

22 MR. GALLAGHER: Objection.

23 A. Sorry, go ahead. I'm sorry.

24 You know, we were facing with

1 thousands, you know, batches of valsartan
2 need to be tested, okay, so a single, you
3 know, GC-MS, you know, would not be
4 sufficient, right.

5 And also that, you know,
6 particular GC-MS also was needed, you know,
7 to develop and optimize, you know, analytical
8 methods. So we need to place the GC-MS also
9 in the QC. Because in QC, in Chuannan CC
10 there had been no GC-MS instrument, so we
11 need to put these, you know, instrument into
12 Chuannan QC site, right.

13 So eventually, you know,
14 Chuannan QC site became the, you know, the
15 main testing site for those, you know,
16 thousands batches of commercial, you know,
17 batches of the valsartan.

18 BY MR. SLATER:

19 Q. Was Mr. Chen told during these
20 meetings that multiple customers of ZHP had
21 since 2014 been complaining that there was
22 unknown peaks and interference on
23 chromatograms, and they were concerned about
24 what impurities might be there, and that they

1 kept asking for an answer from ZHP and
2 couldn't get an answer?

3 MR. GALLAGHER: Objection.

4 Lacks foundation, and mischaracterizes
5 documents and testimony.

6 A. Such detail, you know, such
7 technical details were never discussed, you
8 know, at, you know, Mr. Chen's level.

9 BY MR. SLATER:

10 Q. Was there discussion about how
11 your company should -- rephrase.

12 In these meetings with
13 Mr. Chen, was there discussion about how your
14 company should interact with the FDA?

15 MR. GALLAGHER: Objection.

16 Outside the scope.

17 THE WITNESS: Pardon. Go
18 ahead.

19 MR. GALLAGHER: Objection.

20 Outside the scope.

21 To the extent you know
22 personally, Mr. Li, you should answer.

23 A. Anything as far as I know,
24 anything, you know, relating to interacting

1 with regulatory agencies was taken care of by
2 the RA department. Mr. Chen would not have,
3 you know, such detailed knowledge, you know,
4 how to interact.

5 BY MR. SLATER:

6 Q. How do you know that? Do
7 you -- did you attend the meetings with the
8 regulatory people that he attended?

9 A. I don't remember. But as I
10 said, based upon my, you know, my
11 observation, okay, he just would not be
12 involved in too much, you know, operational
13 details, okay. He's only pay attention to
14 high levels, okay, like every --

15 Q. One of your very profitable
16 drugs was contaminated with something that
17 caused cancer. That's about as high level as
18 it gets, right?

19 MR. GALLAGHER: Objection.
20 Argumentative.

21 A. I don't want to comment on
22 that, okay.

23 BY MR. SLATER:

24 Q. Do you know whether or not

1 Mr. Chen ever discussed with anybody how your
2 company should interact with the FDA?

3 A. I don't remember -- sorry.

4 MR. GALLAGHER: Objection.

5 Outside the scope, and asked and
6 answered.

7 A. I don't remember.

8 BY MR. SLATER:

9 Q. At any of these meetings that
10 you attended, did Mr. Chen ever ask you, how
11 did this happen, and ask for an explanation
12 for how this could happen?

13 MR. GALLAGHER: Objection.

14 Vague.

15 BY MR. SLATER:

16 Q. Time out. I'm going to ask the
17 question again because counsel said it's
18 vague, so in case, in case, you know, that
19 objection will be sustained I'm going to ask
20 the question again.

21 Did Mr. Chen ever ask you, how
22 was it that our valsartan could be
23 contaminated with a nitrosamine and we didn't
24 know about it? Did he ever ask that

1 question?

2 A. I don't remember specifically,
3 okay, he -- like he specifically asked that
4 question, okay. But I can tell you at least
5 in one of those meetings like, like I
6 explained to everyone, you know, you know,
7 the root cause analysis as we put into this
8 deviation report.

9 Q. When you say the deviation
10 report, you mean the deviation investigation
11 reports that were provided to the FDA?

12 A. Yes.

13 MR. GALLAGHER: Objection.
14 Lacks foundation.

15 A. The deviation report actually,
16 you know, you and I, we just went through,
17 you know, an early draft version. Yeah, I
18 think that -- that's the deviation, you know,
19 investigation report.

20 But what you presented, you
21 know, was only -- you know, looks like an
22 early version. It's not the final, finalized
23 version.

24 ///

1 BY MR. SLATER:

2 Q. Did you tell Mr. Chen that in
3 multiple drafts the deviation investigation
4 report stated that your company had
5 insufficiently researched and studied the
6 chemical processes, and then somebody made
7 the decision to take that language out of the
8 report before the report was finalized? Did
9 you or anyone tell them that, to your
10 knowledge?

11 MR. GALLAGHER: Objection.

12 Vague, and argumentative.

13 A. I don't remember those details.
14 But my guess is, you know, such details would
15 not be discussed during those meetings
16 usually.

17 BY MR. SLATER:

18 Q. Did you or anybody else in your
19 presence tell Mr. Chen that your company
20 failed to sufficiently research or study the
21 chemical processes, and that's why your
22 company didn't know that NDMA was a potential
23 contaminant from the beginning?

24 MR. GALLAGHER: Objection.